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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/034,462	12/28/2001	Timothe Litt	1662-53200 JMH (P01-3853)	9349
22879	7590	07/01/2005	EXAMINER	
HEWLETT PACKARD COMPANY P O BOX 272400, 3404 E. HARMONY ROAD INTELLECTUAL PROPERTY ADMINISTRATION FORT COLLINS, CO 80527-2400			RAYMOND, EDWARD	
			ART UNIT	PAPER NUMBER
			2857	

DATE MAILED: 07/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 10/034,462	Applicant(s) LITT ET AL.	
	Examiner Edward Raymond	Art Unit 2857	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 26 May 2005.  
2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-35 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) ☒ Claim(s) 16-35 is/are allowed.  
6) ☒ Claim(s) 1 and 2 is/are rejected.  
7) ☒ Claim(s) 3-15 is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.  
10) ☒ The drawing(s) filed on 23 January 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. **Claim 1** is rejected under 35 U.S.C. 102(b) as being anticipated by “On-Chip Monitoring for Non-Intrusive Hardware/Software Observability” by Mohammed El Shobaki (hereafter referred to as “Shobaki”).

Shobaki teach an integrated circuit fabricated on a chip (Claim 1: see also Figure 10.6: Control Logic), comprising: an on-chip logic analyzer (Claim 1: see page 72, lines 5-25) including timestamp logic (Claim 1: see page 78); an on-chip memory capable of storing data selected by said on-chip logic analyzer (Claim 1: see Figure 10.1: Memory); wherein the data stored by said on-chip memory is combined with a timestamp field representing the number of cycles since the previous store operation (Claim 1: see page 78, lines 5-11 and also Figure 10.7: Timestamp and Parameters).

3. **Claim 2** is rejected under 35 U.S.C. 103(a) as being unpatentable over Micka et al. in view of U.S. Patent Number 6,321,331 to Roy et al.

Sobaki teaches all of the features of the claimed invention, except a system wherein the timestamp logic includes a timestamp counter that generates a timestamp

count value signal indicating the number of clock cycles since the previous store operation. Roy et al. teach a timestamp counter (Claim 2: see col. 7, lines 11-20). It would have been obvious to the person having ordinary skill in the art at the time the invention was made to modify Sobaki to use a timestamp counter, as taught by Roy et al., because this would allow for the processor to keep a running count of the data in memory to track the contents and/or capacity of the device under test with respect to a point in time (see Shobaki page 78, paragraph 2).

4. **Claims 3-15** are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

5. **Claims 16-35** are allowed.

6. The following is a statement of reasons for the indication of allowable subject matter: Micka et al. teach a method, system, and program for maintaining electronic data as a point-in-time. The prior art of record does teach a system for storing timestamp information together with selected data, comprising wherein the timestamp value represents the number of clock cycles that have been counted by the timestamp counter since the previous entry was stored in said memory, and wherein the timestamp counter forces a store operation if the timestamp value reaches a predetermined value.

The prior art of record also does not teach a processor wherein the timestamp counter counts the number of clock cycles since the previous data storage, and generates a timestamp count value of  $n$  bits, which can be selectively stored with the

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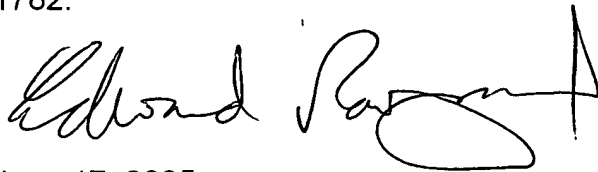
data in the memory, and wherein the timestamp counter is capable of forcing storage of data when the timestamp count value reaches a predetermined value.

***Contact Information***

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Edward Raymond whose telephone number is 571-272-2221. The examiner can normally be reached on Monday through alternating Friday between 8:00 AM and 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marc Hoff can be reached on 571-272-2216. The fax phone numbers for the organization where this application or proceeding is assigned are 571-273-2221 for regular communications and 571-272-1562 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1782.

A handwritten signature in black ink, appearing to read "Edward Raymond". The signature is fluid and cursive, with a large loop at the end of the last name.

June 17, 2005  
Edward Raymond  
Patent Examiner  
Art Unit 2857